

Sexual
MISCONDUCT
&
harassment



CLAFLIN UNIVERSITY
400 Magnolia Street
Orangeburg, South Carolina 29115
www.claflin.edu
THE WORLD NEEDS VISIONARIES

NON-DISCRIMINATION NOTICE

It is the policy of Claflin University that each student, employee, and visitor be allowed to participate in University programs, activities, and employment in an environment free of discrimination and harassment. Claflin University strictly prohibits actual or perceived discrimination or harassment in any form based on an individual's traits or characteristics, including sex, age, race, religion, national or ethnic origin, gender, gender identity and/or expression, sexual orientation, marital or parental status, pregnancy, false pregnancy, termination of pregnancy, or recovery from pregnancy related conditions, veteran status, alienage or citizenship, or disability, and does not tolerate such discrimination or harassment of its faculty, administrators, staff, students, or visitors.

Claflin University does not discriminate in the administration of its admissions policies, scholarship and loan programs, educational policies, athletic programs, and other University programs and activities on the basis of an individual's actual or perceived race, sex, age, religion, national or ethnic origin, gender, gender identity and/or expression, sexual orientation, marital or parental status, pregnancy, false pregnancy, termination of pregnancy, or recovery from pregnancy related conditions, veteran status, alienage or citizenship, disability, or any other legally protected class.

Title IX of the Education Act of 1972 is a federal law that prohibits sex discrimination, including sexual harassment and sexual misconduct. The University President has designated the following official as the University's Title IX Coordinator, assigned to address any and all inquiries regarding the application of this Non-Discrimination Notice and related policies:

Ms. Shirley A. Biggs, Senior Director of Human Resources/Title IX Coordinator
Claflin University, 400 Magnolia Street * Tingley Hall, 1st Floor, Suite 4 * Orangeburg, South Carolina 29115
Telephone: 803-535-5268 or Email: confidential@claflin.edu

In addition, individuals may also contact the Office for Civil Rights (OCR):

Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW * Washington, D.C. 20202-1100
Telephone: 800-421-3481 FAX: 202-453-6012 TTY: 800-877-8339 Email: OCR@ed.gov

CATEGORIES OF MISCONDUCT

Sexual Assault

Sexual assault can include, but is not limited to, the following:

- Non-consensual and deliberate sexual touching.
- Non-consensual penetration through the use of force (such as physical force or a weapon) or coercion.
- Non-consensual penetration because of incapacitation and inability to give consent due to use of drug(s), including the use of alcohol. The drug may or may not have been administered by the accused person and could be consumed by the complainant of his/her own volition.

Sexual Exploitation

Sexual Exploitation refers to any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes that does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy; prostituting another person; non-consensual video or audio-taping of sexual activity; engaging in voyeurism; knowingly transmitting a Sexually Transmitted Infection (STI) or Human Immunodeficiency Virus (HIV) to another person; exposing one's genitals in non-consensual circumstances; or sexually-based stalking and/or bullying.

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other behavior of a sexual nature where

- Submission to such conduct is made either explicitly or implicitly a condition of employment or education.
- Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions.
- Such conduct has the purpose or effect of substantially interfering with academic and professional performance or of creating an intimidating, hostile, or demeaning employment or educational environment.

Acquaintance Rape

Acquaintance rape is the most prevalent form of rape on college campuses. Over 90% of campus rapes are committed by dates, friends, acquaintances, or friends of friends. Regardless of the relationship, if a person uses coercion or force to accomplish a sexual act, it is rape. The same criminal laws and penalties apply in cases of acquaintance rape as in cases of stranger rape. Many victims mistakenly believe they are to blame because they agreed to meet their assailant at a party, accept a ride, stop for a casual conversation, or allow the assailant into their residence. It is important to remember that regardless of the relationship, the rapist, not the victim, is responsible.

Dating Violence

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence

Domestic Violence is a felony or misdemeanor crime of violence committed (1) by a current or former spouse or intimate partner of the victim; (2) by a person with whom the victim shares a child in common; (3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (4) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (5) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking

Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

Bullying and Cyber-Bullying

- Bullying is typically portrayed as aggressive behavior or intentional harm that is carried out repeatedly and over time and occurs within an interpersonal relationship characterized by an imbalance of power. Olweus (1999).
- It often includes comments about race, color, national origin, sex, sexual orientation and disability.
- It often involves an imbalance of power, aggression, and a negative repeated behavior.
- Cyber-Bullying: The University prohibits bullying in any form, including the use of electronic communication to bully an individual. "Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. It includes, but is not limited to, communication via electronic mail, internet-based communications, pager service, cell phones, social media, and other electronic text messages, as well as any invasion of privacy, such as the unauthorized electronic surveillance or videotaping of an individual without consent.

Consent

Consent involves a freely given mutual agreement about sexual activity, with a shared understanding of the act to which all parties are consenting. Consent is invalid under the following circumstances:

- When it is obtained through the use of fraud or coercion—whether physical force, threats, or intimidation.
- When it involves
 - A. Minors under the age of consent, as defined by South Carolina state law.
 - B. Persons whose mental disabilities prohibit sound judgment about actions and their consequences.
 - C. Persons physically or mentally incapacitated as a result of alcohol or other drug consumption, whether voluntary or involuntary.
 - D. When it is assumed merely because of a previous and/or a current sexual relationship, a person's attire, and/or money spent on a date.
 - E. Silence and/or non-verbal actions or expressions indicating resistance should also be interpreted as lack of consent.

Consent may be withdrawn at any time.

Retaliation

The University Prohibits retaliation against a person reporting harassment or sexual misconduct or against a person assisting in any way in the investigation and resolution of a complaint.

REMEMBER:

- Trust your instincts. It's your right.
- Exercise control over your environment.
- Avoid excessive use of alcohol.
- Accept the decision that "No means No."
- Acknowledge or recognize that dating does not give you the right to abuse or violate another person.
- Don't assume that previous permission for sexual contact applies to the current situation.

RESOURCES

Inform Campus Police	(803) 535-5444	
Student Development and Services	(803) 535-5341	
Title IX Coordinator	(803) 535-5268	
Counseling Department	(803) 535-5285	
Health Services	(803) 535-5328	
University Chaplain	(803) 535-5150	
CASA Family Systems	(803) 534 -2272	24 Hour Emergency Hotline: (803) 531-6211

Program the number(s) in your phone in case of an emergency.

WHAT TO DO IF YOU'VE BEEN ASSAULTED:

Seek medical attention and testing: It is crucial to seek medical attention as soon as possible to determine the possibility of physical injury, to prevent or treat sexually transmitted diseases (such as HIV), and to prevent pregnancy. A urine drug screen may be able to detect the presence of sedative drugs such as Rohypnol or GHB ("date rape drugs") if the test is administered within 72 hours of consumption for Rohypnol and 12 hours for GHB. The Orangeburg Regional Medical Center (TRMC) can administer rape exams for victims. Support and advocacy will be provided. **TRMC is located at 3000 St. Matthews Road, Orangeburg, SC 29118 (803) 395-2200.**

Preserve the evidence: Avoid bathing, urinating, brushing your teeth, washing your hands, changing your clothes, or eating and drinking until evidence is collected. Also, don't clean up or move items located where the assault occurred. Write down as many details as possible.

Know your options: Individuals may file a complaint against other students or faculty or staff of the University with the Title IX Coordinator pursuant to University Policy No. 200.29: Sexual Misconduct and Harassment. Individuals may also file a complaint directly with the Clafin Campus Police (available by phone at (803) 535-5444 and located in High Rise Hall). Individuals who make a criminal complaint may also choose to file a Title IX complaint with the University simultaneously.

Seek counseling: A trained counselor can help the victim work through the trauma of the assault. The counselor may assist with changes in academic and on-campus living situations. Counselors contact info can also help the victim's family and friends. The University Counselor is located in Corson Hall, Suite 106; telephone: (803) 535-5285.

TITLE IX COORDINATOR

Ms. Shirley Biggs
Senior Director of Human Resources
Phone: 803-535-5268
Email: confidential@clafin.edu

Dr. Leroy A. Durant
Vice President for Student Development & Services
Phone: 803-535-5341
Email: ldurant@clafin.edu

Mrs. Marilyn Stacey-Suggs
Assistant Athletics Director for Compliance
Phone: 803-535-5365
Email: mstacey-suggs@clafin.edu

Dr. Patrick Stearns
Associate Professor of Mass Communications
Phone: 803-535-5721
Email: pstearns@clafin.edu

Mrs. Leah Cromer, Esq.
Senior Employee Relations Generalist
Phone: 803-535-5134
Email: lcromer@clafin.edu

Ms. Marilyn Gibbs
Librarian
Phone: 803-535-5309
Email: mgibbs@clafin.edu

Mr. Steve Pearson
Chief of Campus Police
Phone: 803-535-5444
Email: spearson@clafin.edu

Updated: March 2018